

Section 2

Letters to and from State:

Acknowledgment

Request for hearing testimony



WILLIAM G. MILLIKEN, Governor

MAURICE S. REIZEN, M.D., Director

STATE OF MICHIGAN

DEPARTMENT OF PUBLIC HEALTH

3500 N. LOGAN, P.O. BOX 30035, LANSING, MICHIGAN 48909

NBL

October 26, 1977

Mr. Joseph F. Harrison, Chief
Water Supply Branch
U. S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

Dear Mr. Harrison:

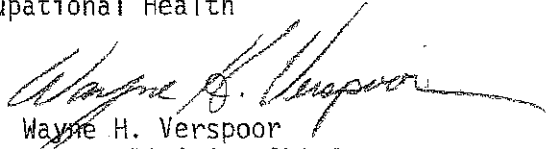
This is to inform you that the proposed rules of the Division of Water Supply to implement Act 399, P.A. 1976, have been revised as per comments from the public hearings, and have been formally submitted to the appropriate state agencies for final promulgation. Enclosed is a copy of the rules as submitted.

Please note that the rules have been revised to address those concerns expressed by the Environmental Protection Agency at the hearings. We are confident that the rules as now written, along with the State Safe Drinking Water Act, satisfy all of your agency's requirements for primary enforcement responsibility.

As we have indicated before, it is expected that the rules will be formally promulgated near the end of this calendar year. We will keep you informed as to the status of our administrative rules as they proceed through the final promulgation process.

Very truly yours,

William A. Kelley, P.E., Chief
Division of Water Supply
Bureau of Environmental and
Occupational Health


By: Wayne H. Verspoor
Deputy Division Chief
for Administration and Management

WHV:lm
Enclosure

cc: Thomas Larsen, USEPA Washington
John E. Vogt
William A. Kelley



"Equal Health Opportunity for All"

1 OCT 1977

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: SEP 21 1977

SUBJECT: Draft Testimony for Michigan Primacy Hearing

FROM: Charles H. Sutfin
Director, Water Division

TO: See Below

Attached for your information is a copy of the draft testimony to be presented at the Michigan public water system primacy hearing on October 7, 1977. We are not asking for comments, unless you note any problems, because the major comments were covered in the draft testimony for the Michigan rules hearing that was submitted to you.

We have not yet received a copy of the Michigan rules that were drafted following their hearings, but the three changes that EPA requested will be a part of them. When the new draft is received, we will submit it to you for comment, but no other changes should be necessary since no other requirements were submitted to the Water Supply Branch to be included in the previous testimony.

Attachment

Copies to:

Alan Eckert, OGC (2 copies)
Donald Wallgren, S & A
David Payne, S & A
Dale Bryson, Enforcement
Thomas Yeates, Management
Joel Brandon, Management
Joel Margolis, Management
Robert Luss, Regional Counsel

MICHIGAN

MR. CHAIRMAN, LADIES AND GENTLEMEN, MY NAME IS JOSEPH F. HARRISON, I AM CHIEF OF THE REGION V WATER SUPPLY BRANCH FOR THE U. S. ENVIRONMENTAL PROTECTION AGENCY, AND I AM MAKING THIS STATEMENT IN BEHALF OF THE U. S. ENVIRONMENTAL PROTECTION AGENCY.

THIS HEARING IS AN IMPORTANT STEP IN IMPLEMENTING ~~THE~~ LANDMARK PUBLIC HEALTH LEGISLATION AT THE FEDERAL LEVEL--THAT IS, THE SAFE DRINKING ACT OF 1974.

THE PURPOSE OF THE SAFE DRINKING WATER ACT IS TO ENSURE THAT WATER SUPPLY SYSTEMS SERVING THE PUBLIC MEET MINIMUM NATIONAL STANDARDS FOR PROTECTION OF PUBLIC HEALTH. THIS LAW AUTHORIZES THE U. S. ENVIRONMENTAL PROTECTION AGENCY TO ESTABLISH STANDARDS FOR PROTECTION FROM ALL HARMFUL CONTAMINANTS IN DRINKING WATER AND IT WAS THE INTENT OF CONGRESS THAT STATES ASSUME THE PRIMARY ROLE OF PUBLIC WATER SYSTEM SUPERVISION AND OF ENSURING COMPLIANCE WITH THESE STANDARDS. THE U. S. EPA ISSUED NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS ON DECEMBER 24, 1975, AND JULY 9, 1976. THE SUBJECT OF THIS HEARING CONCERNS A DETERMINATION THAT MICHIGAN WILL MEET ALL OF THE REQUIREMENTS NECESSARY TO ASSUME THE STATE'S ROLE INTENDED IN THE SAFE DRINKING WATER ACT.

ON JULY 11, 1977, REGION V RECEIVED AN APPLICATION FROM THE ^{Michigan} DIRECTOR ^{of Public Health} REQUESTING THAT A DETERMINATION BE MADE THAT THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH (MDPH) HAS MET ALL OF THE REQUIREMENTS TO ASSUME PRIMARY ENFORCEMENT RESPONSIBILITY FOR PUBLIC WATER SYSTEM SUPERVISION

IN THE STATE OF MICHIGAN, IN ACCORDANCE WITH THE PROVISIONS OF THE
SAFE DRINKING WATER ACT.

IN RESPONSE, EPA-REGION V HAS DETERMINED THAT THE MICHIGAN DEPARTMENT
OF PUBLIC HEALTH WILL MEET ALL CONDITIONS OF THE SAFE DRINKING WATER
ACT AND SUBSEQUENT REGULATIONS FOR THE ASSUMPTION OF PRIMARY ENFORCE-
MENT RESPONSIBILITY FOR PUBLIC WATER SYSTEMS IN THE STATE OF MICHIGAN. *if currently
proposed rules
are enacted.*
THE STATE--

- (1) WILL ADOPT DRINKING WATER REGULATIONS WHICH ARE NO LESS
STRINGENT THAN THE NATIONAL INTERIM PRIMARY DRINKING
WATER REGULATIONS;
- (2) WILL ADOPT AND IMPLEMENT ADEQUATE PROCEDURES FOR THE
ENFORCEMENT OF SUCH STATE REGULATIONS, INCLUDING
ADEQUATE MONITORING AND INSPECTIONS;
- (3) WILL KEEP SUCH RECORDS AND MAKE SUCH REPORTS AS REQUIRED;
- (4) WILL ISSUE VARIANCES AND EXEMPTIONS IN ACCORDANCE WITH
THE PROVISIONS OF THE NATIONAL INTERIM PRIMARY DRINKING
WATER REGULATIONS; AND
- (5) WILL ADOPT AND IMPLEMENT AN ADEQUATE PLAN FOR THE PROVI-
SION OF SAFE DRINKING WATER UNDER EMERGENCY CIRCUMSTANCES.

THIS DETERMINATION IS BASED UPON THE REVIEW OF ^{state} ~~THE~~ DRAFT RULES ^{for public water supply} (STATE
PUBLIC HEARINGS ABOUT THESE RULES WERE HELD IN SEPTEMBER AND THE
DEPARTMENT IS PROGRESSING TO ENACT THEM.) THE FINAL DETERMINATION
ABOUT WHETHER MICHIGAN HAS MET THE REQUIREMENTS FOR PRIMACY WILL BE
MADE AFTER THE MICHIGAN RULES ARE ENACTED. AT THAT TIME THE U. S. EPA
WILL REVIEW THE RULES TO DETERMINE THAT THEY INCLUDE ALL THE NECESSARY
REQUIREMENTS SO THE STATE CAN ASSUME PRIMACY.

THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH'S DRAFT RULES ARE AS STRINGENT AS REQUIRED BY THE USEPA IMPLEMENTATION REGULATIONS. THE MAXIMUM CONTAMINANT LEVELS THAT ARE SPECIFIED PROVIDE THE SAME DEGREE OF HEALTH PROTECTION AND THE MONITORING REQUIREMENTS ARE EQUIVALENT TO THE NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS. THE STATE LIMITS FOR MICROBIOLOGICAL CONTAMINANTS, INORGANIC CHEMICALS, ORGANIC CHEMICALS, TURBIDITY, AND RADIOLOGICAL CONTAMINANTS ARE THE SAME AS, OR MORE STRINGENT THAN, THOSE IN THE NIPDWR PROMULGATED BY THE USEPA ON DECEMBER 24, 1975, AND JULY 9, 1976.

THE DEPARTMENT'S REGULATIONS CONCERNING BACTERIOLOGICAL CHECK SAMPLES ARE CONSIDERED EQUIVALENT, ALTHOUGH THEY ARE NOT ^{identical to} ~~EXACTLY THE SAME AS~~ THOSE IN THE NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS. ONLY ONE CHECK SAMPLE, AFTER THE BACTERIOLOGICAL MAXIMUM CONTAMINANT LEVEL (MCL) IS EXCEEDED, IS REQUIRED. BUT, MICHIGAN FOLLOWUP TO THE PRESENCE OF COLIFORM BACTERIA IN DRINKING WATER DOES INCLUDE INVESTIGATION OF OTHER SAMPLES COLLECTED IN THE GENERAL VICINITY OF THE LOCATION WHERE THE CONTAMINATION WAS DETECTED.

THE DEPARTMENT OF PUBLIC HEALTH HAS COMPILED AND IS MAINTAINING AN INVENTORY OF COMMUNITY WATER SYSTEMS. THE DEPARTMENT PERSONNEL ALSO HAVE BEGUN THE INVENTORY OF NONCOMMUNITY WATER SYSTEMS IN THE STATE. THE DEPARTMENT PERSONNEL CONDUCT PERIODIC SANITARY SURVEYS OF INVENTORIED PUBLIC WATER SYSTEMS.

CERTIFICATION OF BACTERIOLOGICAL LABORATORIES IS PROVIDED BY THE DEPARTMENT OF PUBLIC HEALTH. THIS LABORATORY CERTIFICATION PROGRAM HAS BEEN

APPROVED BY EPA AND DR. WILLIAMS HAS BEEN CERTIFIED AS THE STATE WATER LABORATORY SURVEY OFFICER. THE STATE LABORATORY HAS THE CAPABILITY OF PERFORMING THE REQUIRED BACTERIOLOGICAL, CHEMICAL, AND RADIOLOGICAL ANALYSES. THEREFORE, WITH THE AVAILABILITY OF THE OTHER BACTERIOLOGICAL LABORATORIES, THE STATE HAS THE CAPABILITY OF ^{performing} ANALYZING ALL OF THE ~~tests specified in national health regulations.~~ NECESSARY SAMPLES. WATER SUPPLY CONSTRUCTION AND ALTERATION PLANS AND SPECIFICATIONS ARE REVIEWED BY THE DEPARTMENT.

THE MICHIGAN SAFE DRINKING WATER ACT IS APPLICABLE TO ALL PUBLIC WATER SYSTEMS THAT ARE SPECIFIED IN THE NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS. THE DEPARTMENT HAS AUTHORITY TO SUE AND TO ENJOIN VIOLATIONS.

THE DEPARTMENT OF PUBLIC HEALTH HAS THE RIGHT TO ENTER AND MAKE INSPECTIONS AND IT HAS THE AUTHORITY TO COLLECT SAMPLES DURING SANITARY SURVEYS. THE DEPARTMENT REGULATIONS CONCERNING SUPPLIER RECORDS AND REPORTS TO THE STATE ARE AS STRINGENT AS NECESSARY.

THE DEPARTMENT'S DRAFT RULES CONCERNING PUBLIC NOTIFICATION INCLUDE NOTICE TO CONSUMERS WHEN A VIOLATION OCCURS OR WHEN A VARIANCE OR EXEMPTION IS GRANTED. NOTICE TO THE GENERAL PUBLIC IS ALSO REQUIRED WHEN A MAXIMUM CONTAMINANT LEVEL IS EXCEEDED AND NOT CORRECTED PROMPTLY. THESE RULES COMPLY WITH THE PUBLIC NOTIFICATION REQUIREMENTS THAT ARE SPECIFIED IN THE USEPA IMPLEMENTATION REGULATIONS, JANUARY 20, 1976, AND THAT ARE NECESSARY FOR A STATE TO ASSUME PRIMACY. THE DEPARTMENT ALSO MAY ORDER IMMEDIATE NOTIFICATION TO ALL CONSUMERS WHEN AN IMMINENT HAZARD TO THE PUBLIC EXISTS.

THE DEPARTMENT OF PUBLIC HEALTH HAS AUTHORITY TO ASSESS PENALTIES, INCLUDING A CIVIL PENALTY UP TO \$5,000 PER DAY OF VIOLATION. THE DEPARTMENT HAS STATED THAT IT WILL KEEP REQUIRED RECORDS AND PROVIDE REPORTS TO EPA. VARIANCES AND EXEMPTIONS THAT ARE ALLOWED BY THE DEPARTMENT WILL BE ISSUED UNDER REGULATIONS AS STRINGENT AS THOSE ^{provisions} REQUIRED BY EPA. THE TIME LIMIT FOR THE EXEMPTION SCHEDULES WILL BE ADMINISTRATIVELY LIMITED TO THE JANUARY 1, 1981, DATE THAT IS SPECIFIED BY THE FEDERAL REGULATIONS. THE USEPA WILL MONITOR THE EXEMPTIONS THAT ARE GRANTED TO ENSURE THAT THIS DATE IS MET. THE DEPARTMENT HAS A PLAN FOR THE PROVISION OF WATER IN AN EMERGENCY.

BECAUSE THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH WILL HAVE THESE CAPABILITIES, EPA-REGION V HAS DETERMINED THAT THE MDPH WILL MEET ALL OF THE REQUIREMENTS FOR PRIMARY ENFORCEMENT RESPONSIBILITY FOR PUBLIC WATER SYSTEM SUPERVISION UNDER THE SAFE DRINKING WATER ACT OF 1974 WHEN THE MDPH RULES ARE ENACTED IN A FORM SUBSTANTIALLY THE SAME AS THE PRESENT DRAFT.

THANK YOU.

FEB 06 1978

Dr. Maurice S. Reizen
Director of Public Health
Michigan Department of Public Health
3500 North Logan Street
Lansing, Michigan 48914

Dear Dr. Reizen:

I am pleased to inform you that the Michigan Department of Public Health has been granted primary enforcement responsibility for public water supplies under the Safe Drinking Water Act. The official notice of my determination should appear in the Federal Register on or about February 8, 1978.

During our review of Michigan's primacy application, we discovered that several areas in the State rules entitled "Supplying Water to the Public" can be interpreted as being less stringent than Safe Drinking Water Act (SDWA) requirements. From discussions with members of your staff, we have been assured that the implementation of Michigan's water supply program will be as stringent as Federal Law requires.

Specifically, the rules of concern and our understanding of their implementation are as follows:

1. R. 325.10707, Rule 707(1) requires only one check sample following a positive bacteriological sample. If the results of this check sample are negative, further check samples are required only at MDPH discretion. This situation could conflict with the requirements of Section 141.21(d) of the National Interim Primary Drinking Water Regulations (NIPDWR) which require daily check sampling until two consecutive negative results are achieved.

It is our understanding that the Department's discretion, as referred to in Rule 707(4), is based on a thorough and current sanitary engineering knowledge of the water system, including the design, maintenance, and operation of treatment and distribution facilities, source water characteristics, chlorine residuals, distribution pressures, and the history of sampling results.

FEB 06 1978

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2. R. 325.10707, Rule 707(3) does not require public notification for violation of the Bacteriological Maximum Contaminant Level (MCL) until an investigation demonstrating contamination has been completed. Since the rules place no time limitation on the investigation, we are concerned that the investigation may continue long enough to conflict with the requirements of Section 141.32 of the NIPDWR which states that public notification shall occur within three³ months of the routine sample result showing an MCL violation.

It is our understanding that Michigan investigations will be completed and public notification will occur within the time frame specified in the Federal Regulations.

3. R. 325.10705, Rule 705(2) allows the State to vary the bacteriological sampling frequency for protected ground-water supplies serving less than 1,000 persons on the basis of a sanitary survey. The State's definition of "Sanitary Survey" under R. 325.10108, Rule 108(a), however, does not specifically include an assessment of the history of no coliform contamination, nor does Rule 705(2) indicate that written permission from the State is required for such modified sampling, as required by Section 141.21(b) of the NIPDWR.

It is our understanding that the State includes a review of the bacteriological sampling record in a sanitary survey and will keep records of all supplies which are allowed to modify their sampling frequencies.

4. R. 325.10304, Rule 304, relating to the issuance of variances, contains some ambiguous language. Because the State's definition of "treatment technique" under R. 325.10109, Rule 109(c) is not clearly limited to a treatment technique requirement of the Federal regulations, the variance provision could be interpreted so as to allow the granting of a variance from an MCL, based on the conditions in Rule 304(b) which should only be applicable to the granting of a variance from a treatment technique.

It is our understanding that all variances issued by the MDPH will be in accordance with Section 1415 of the SDWA.

My determination that the MDPH qualifies for primacy is based on our understanding of the State's program. Region V will carefully review Michigan's implementation of these four procedures to ensure that the State's intentions are carried out in accordance with the requirements of the Safe Drinking Water Act.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

FEB 06 1978

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Region V must also ensure that public water systems meet Federal public notification requirements not included in Michigan's rules, such as immediate media notice upon an MCL violation and written notification for monitoring and analytical violations. Currently, however, I judge this as a lower priority than many other things we have yet to do under the Safe Drinking Water Act.

I congratulate you on this worthwhile achievement. The work and co-operation of you and your staff in this matter, particularly John Vogt, Bill Kelley, and Wayne Verspoor, have been outstanding, as usual. I hope the ties between our offices can continue to strengthen in implementing this significant step forward in the protection of the public health.

Sincerely yours,

Valdas V. Adamkus
Deputy Regional Administrator

cc: Vic Kimm
William Kelley
John Vogt
Lorraine Chang
Alan Levin

5WD:Kieras:mmr:2/2/78

CONCURRENCES

SYMBOL							
SURNAME							
DATE							



WILLIAM G. MILLIKEN, Governor

MAURICE S. REIZEN, M.D., Director

STATE OF MICHIGAN

DEPARTMENT OF PUBLIC HEALTH

3500 N. LOGAN, P.O. BOX 30035, LANSING, MICHIGAN 48909

January 10, 1978

Mr. Joseph Harrison, Chief
Water Supply Branch
U. S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

Attention: Mr. Stephen Kieras

Dear Mr. Harrison:

As requested by your staff, this is an amendment to Michigan's Primary Enforcement Responsibility Application to provide you with additional information regarding this state's laboratory approval program. As indicated in our original application, the Michigan Department of Public Health will not formally promulgate administrative rules for laboratory certification until EPA regulations on this subject are finalized.

However, as you are aware, Michigan has an approved program for review and approval of interstate carrier water supplies. In addition, we are able to provide you with the following information to supplement our primacy application.

The form in use for evaluation of laboratories for bacteriological analyses is EPA Form-103 (CIN), Revised 3-71. When the Manual for the Interim Certification of Laboratories Involved in Analyzing Public Drinking Water Supplies, September, 1977, becomes official, the forms on pages 50 to 65 of that document will be used.

Further, the laboratory surveys are based on requirements contained in the following:

1. Standard Methods for the Examination of Water and Wastewater, 13th edition.
2. The National Interim Primary Drinking Water Regulations.
3. Public Law 93-523, the Federal "Safe Drinking Water Act."
4. Evaluation of Water Laboratories, U. S. Public Health Service.



"Equal Health Opportunity for All"

Mr. Joseph Harrison
Attention: Mr. Stephen Kieras
Page 2
January 10, 1978

5. The Manual for Interim Certification of Laboratories Involved in Analyzing Public Drinking Water Supplies-Criteria and Procedures, dated September, 1977.
6. Michigan Act No. 399 of the Public Acts of 1976, the State "Safe Drinking Water Act."
7. State of Michigan Administrative Rules to implement Act No. 399, entitled, "Supplying Water to the Public."
8. As reference material, the Handbook for Evaluating Water Bacteriological Laboratories, dated August, 1975 (EPA-670/9-75-006) is used.

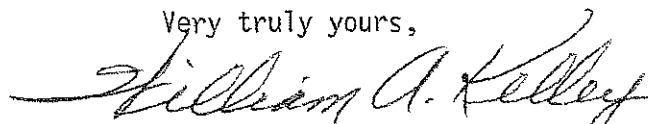
Doctor Albert Shannon, the Laboratory Certification Officer for the Division of Water Supply, has completed the EPA Drinking Water Bacteriological Laboratory Certification Course at the National Training and Operational Technology Center in Cincinnati, Ohio, in November, 1977. The Laboratory Certification Officer has a Ph.D. in biochemistry with a minor in bacteriology from Michigan State University. He also has 34 years experience in the water field, varying from laboratory work in bacteriology and chemistry to being in responsible charge of four large water treatment plants and one large wastewater treatment plant, including five laboratories. In addition, Dr. Shannon has three years experience in laboratory surveys of water bacteriology laboratories at the local level. He was also a State representative on the Implementation Subcommittee of the Water Supply Quality Assurance Work Group which developed the recent Manual for Interim Certification.

It is important to point out that Michigan's laboratory approval program is limited to review and approval of laboratories conducting analyses of bacteriological contaminants and turbidity. The Michigan Department of Public Health laboratories, which have been already approved by EPA, will be conducting all chemical and radiochemical analyses for all public water supplies in Michigan.

Please be advised that the State of Michigan is presently carrying on an interim program for laboratory certification in accordance with the procedures outlined above. This interim program will continue to be implemented in this manner until the EPA regulations on laboratory certification are finalized and Michigan administrative rules on this subject are promulgated.

We trust that this information will provide you with the additional supplementary material required for final approval of our primacy application.

Very truly yours,



William A. Kelley, P.E., Chief
Division of Water Supply
Bureau of Environmental and
Occupational Health

WAK:WVM
cc: John Vogt
Dr. Shannon
Dr. Williams
Wayne Verspoor



WILLIAM G. MILLIKEN, Governor

MAURICE S. REIZEN, M.D., Director

STATE OF MICHIGAN

DEPARTMENT OF PUBLIC HEALTH

3500 N. LOGAN, P.O. BOX 30035, LANSING, MICHIGAN 48909

December 16, 1977

Mr. Joseph F. Harrison, Chief
Water Supply Branch
U. S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

Dear Mr. Harrison:

In accordance with Stephen Kieras' telephone conversation with Wayne Verspoor today, this letter is to confirm the Michigan Department of Public Health's agreement to comply with the provisions of 40 CFR 142.14 and 40 CFR 142.15, relating to EPA requirements concerning records kept by states and reporting by states.

I trust that this letter provides you with the documentation you require to proceed with a decision on Michigan's application for primacy enforcement responsibility.

Very truly yours,

William A. Kelley, P.E., Chief
Division of Water Supply
Bureau of Environmental and
Occupational Health

WAK:WVM

cc: John Vogt
Wayne Verspoor

23 DEC 1977



"Equal Health Opportunity for All"

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DEC 22 1977

Maurice S. Reizen, M.D.
 Director
 Michigan Department of Public Health
 3500 North Logan
 Lansing, Michigan 48909

P.O. 10-4

Dear Dr. Reizen:

I wish to acknowledge receipt of your letter of December 14, 1977, transmitting to us the Michigan Department of Public Health's administrative rules entitled, "SUPPLYING WATER TO THE PUBLIC," dated December 6, 1977. In addition to the rules, the following documents were also included with your letter:

1. Certificate of adoption and promulgation dated December 14, 1977
2. Certificate of approval from the Joint Legislative Committee on Administrative Rules dated December 13, 1977
3. Certificate of approval from the Office of the Attorney General dated December 7, 1977
4. Certificate of Approval from the Michigan Legislative Service Bureau dated December 7, 1977

Receipt of these documents allows us to proceed with a decision on Michigan's application for primary enforcement responsibility and I expect that a favorable decision will be forthcoming soon.

Thank you for your cooperation in this matter. Your Department's efforts are greatly appreciated.

Sincerely yours,

~~As original signed by~~ George R. Alexander, Jr.

George R. Alexander
 Regional Administrator

cc: William Kelley
 ORA

DWD:Kieras:mmm - 12/21/77

CONCURRENCES

SYMBOL	WSB/SPS	John A. King	2/10/78				
SURNAME	SJK	WSB	King				
DATE	12/21/77	12/21/77	12/21/77				



WILLIAM G. MILLIKEN, Governor

MAURICE S. REIZEN, M.D., Director

STATE OF MICHIGAN

DEPARTMENT OF PUBLIC HEALTH

3500 N. LOGAN, P.O. BOX 30035, LANSING, MICHIGAN 48909

December 14, 1977

Mr. George R. Alexander, Jr.
Regional Administrator
U. S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

Dear Mr. Alexander:

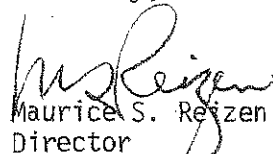
Attached is a copy of administrative rules of the Michigan Department of Public Health entitled, "SUPPLYING WATER TO THE PUBLIC," with certificates of approval from the Michigan Legislative Service Bureau, the Office of the Attorney General, and the Joint Legislative Committee on Administrative Rules. Also attached to the rules is a certificate of adoption and promulgation which I signed today, and which is, in essence, the final step in the administrative rule promulgation process in Michigan.

Therefore, since these administrative rules have now been promulgated pursuant to Act No. 399 of the Public Acts of 1976, the State "Safe Drinking Water Act," the State of Michigan now possesses all of the necessary statutory and regulatory authority to assume primary enforcement responsibility under the provisions of U. S. Public Law 93-523 and associated EPA regulations.

Although the rules must still be filed with the Secretary of State before they are fully effective, the necessary authority is nonetheless present and the Department of Public Health is in a position to assume primacy. Filing with the Secretary of State will be on December 27, 1977. Based upon your commitment to make a decision on Michigan's primacy application after these rules are promulgated as noticed in the Federal Register, we assume that you are now in a position to grant Michigan primacy status.

We look forward to your favorable decision on our application and our continued cooperation in implementation of the Safe Drinking Water Program.

Sincerely,


Maurice S. Reizen, M.D.
Director

RECEIVED

DEC 19 1977

EPA REGION 5
OFFICE OF REGIONAL
ADMINISTRATOR

Attachment



"Equal Health Opportunity for All"

SEP 14 1977

Mr. William A. Kelley, Chief
Division of Water Supply
Michigan Department of Public Health
3500 North Logan Street
Lansing, Michigan 48914

Dear Bill:

The Michigan application for a determination of primary enforcement responsibility for public water system supervision under the Safe Drinking Water Act has been determined by the Regional Administrator to be essentially complete, based on the draft rules. A public hearing to receive comments on the Michigan submission has been scheduled for October 7, 1977, at the Michigan Department of Public Health.

Enclosed is a proposed Agenda for the hearing. The Agenda is intended to provide brief Federal and State opening remarks and the maximum time possible for the public to present statements and ask questions. Key Federal staff will be available to answer questions, and we are looking for similar State participation. It is our intention to answer questions as they are asked, rather than after the hearing, whenever possible. This will provide for a more informative hearing for all participants.

I have also enclosed a draft of the EPA statement. This will allow you to review it and to suggest other topics that need to be included. We hope that your staff will present brief statements that describe how the State will operate the program and why the State has applied for this determination. For this reason, it is recommended that individuals making statements coordinate with us to avoid any unnecessary repetitive information.

I consider the public hearing a very important part of the review and approval process, and we are looking forward to your participation in the public hearing. We are not expecting a large turnout, since no hearings have been requested in other Regions. Therefore, you should plan that the hearing will only last into the early afternoon. However, because we have mailed a large press release about the hearing, we might receive more public comments than are expected, and the hearing could last longer.

I want to thank you and your staff for the help that you have given us during the review process. I especially want to thank you for arranging to hold the hearing in the Manty Conference Room.

If there are any questions about the hearing or the draft EPA testimony, please call me at (312)353-2147 or Joseph Harrison at (312)353-2151.

Sincerely yours,

Charles H. Sutfin
Director, Water Division

Enclosures
cc: Wayne Verspoor
5WD:Manley:mmr:9/7/77

mm

WSB
[Signature]
9/12/77

aw
[Signature]
9/13/77

ENVIRONMENTAL PROTECTION AGENCY

Proposed Agenda for Public Hearing

On the State of Michigan Application for Primary Enforcement
Responsibility for Public Water System Supervision
under the Safe Drinking Water Act

Beginning at 11 a.m. on October 7, 1977 in the
Manty Conference Room, Michigan Department of Public Health,
Lansing, Michigan

- I. Welcome and Opening Remarks Hearing Officer
Thomas Harrison, Regional Counsel
U.S. Environmental Protection Agency, Region V, Chicago, IL
- II. Statement for Michigan Department of Public Health
- III. Statement for U.S. Environmental Protection Agency, Region V
Joseph F. Harrison, Chief, Water Supply Branch
U.S. Environmental Protection Agency, Region V, Chicago, IL
- IV. Statement and Questions by the Public

CONCURRENCES

SYMBOL

SURNAME

DATE

EPA FORM 1520-1

OFFICIAL FILE COPY

MICHIGAN

MR. CHAIRMAN, LADIES AND GENTLEMEN, MY NAME IS JOSEPH F. HARRISON, I AM CHIEF OF THE REGION V WATER SUPPLY BRANCH FOR THE U. S. ENVIRONMENTAL PROTECTION AGENCY, AND I AM MAKING THIS STATEMENT IN BEHALF OF THE U. S. ENVIRONMENTAL PROTECTION AGENCY.

THE PURPOSE OF THE SAFE DRINKING WATER ACT, SIGNED INTO LAW ON DECEMBER 16, 1974, IS TO ENSURE THAT WATER SUPPLY SYSTEMS SERVING THE PUBLIC MEET MINIMUM NATIONAL STANDARDS FOR PROTECTION OF PUBLIC HEALTH. THIS BILL AUTHORIZES THE U. S. ENVIRONMENTAL PROTECTION AGENCY TO ESTABLISH STANDARDS FOR PROTECTION FROM ALL HARMFUL CONTAMINANTS IN DRINKING WATER AND IT INVITES STATES TO ASSUME THE PRIMARY ROLE OF PUBLIC WATER SYSTEM SUPERVISION AND OF ENSURING COMPLIANCE WITH THESE STANDARDS. THE U. S. EPA ISSUED NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS ON DECEMBER 24 1975, AND JULY 9, 1976. THE SUBJECT OF THE HEARING TODAY CONCERNS A DETERMINATION THAT MICHIGAN WILL MEET ALL OF THE REQUIREMENTS NECESSARY TO ASSUME THE STATE'S ROLE INTENDED IN THE SAFE DRINKING WATER ACT.

ON JULY 11, 1977, REGION V RECEIVED AN APPLICATION FROM THE DIRECTOR REQUESTING THAT A DETERMINATION BE MADE THAT THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH (MDPH) HAS MET ALL OF THE REQUIREMENTS TO ASSUME PRIMARY ENFORCEMENT RESPONSIBILITY FOR PUBLIC WATER SYSTEM SUPERVISION IN THE STATE OF MICHIGAN, IN ACCORDANCE WITH THE PROVISIONS OF THE SAFE DRINKING WATER ACT.

IN RESPONSE, EPA-REGION V HAS DETERMINED THAT THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH WILL MEET ALL CONDITIONS OF THE SAFE DRINKING WATER

ACT AND SUBSEQUENT REGULATIONS FOR THE ASSUMPTION OF PRIMARY ENFORCEMENT RESPONSIBILITY FOR PUBLIC WATER SYSTEMS IN THE STATE OF MICHIGAN. THE STATE—

- (1) WILL ADOPT DRINKING WATER REGULATIONS WHICH ARE NO LESS STRINGENT THAN THE NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS;
- (2) WILL ADOPT AND IMPLEMENT ADEQUATE PROCEDURES FOR THE ENFORCEMENT OF SUCH STATE REGULATIONS, INCLUDING ADEQUATE MONITORING AND INSPECTIONS;
- (3) WILL KEEP SUCH RECORDS AND MAKE SUCH REPORTS AS REQUIRED;
- (4) WILL ISSUE VARIANCES AND EXEMPTIONS IN ACCORDANCE WITH THE PROVISIONS OF THE NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS; AND
- (5) WILL ADOPT AND IMPLEMENT AN ADEQUATE PLAN FOR THE PROVISION OF SAFE DRINKING WATER UNDER EMERGENCY CIRCUMSTANCES.

THIS DETERMINATION IS BASED UPON THE DRAFT RULES. (STATE PUBLIC HEARINGS ABOUT THESE RULES WERE HELD IN SEPTEMBER.) THE FINAL DETERMINATION ABOUT WHETHER MICHIGAN HAS MET THE REQUIREMENTS FOR PRIMACY WILL BE MADE AFTER THE MICHIGAN RULES ARE ENACTED.

THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH'S DRAFT RULES ARE AS STRINGENT AS THE NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS. THE MAXIMUM CONTAMINANT LEVELS THAT ARE SPECIFIED PROVIDE THE SAME DEGREE OF HEALTH PROTECTION AND THE MONITORING REQUIREMENTS ARE EQUIVALENT TO THE NATIONAL REGULATIONS. THE STATE LIMITS FOR MICROBIOLOGICAL CONTAMINANTS, INORGANIC CHEMICALS, ORGANIC CHEMICALS, TURBIDITY, AND

RADIOLOGICAL CONTAMINANTS ARE THE SAME AS, OR MORE STRINGENT THAN, THOSE IN THE NIPDWR PROMULGATED BY THE U. S. EPA ON DECEMBER 24, 1975 AND JULY 9, 1976.

THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH REQUIRES ONLY ONE CHECK SAMPLE AFTER THE BACTERIOLOGICAL MAXIMUM CONTAMINANT LEVEL IS EXCEEDED. HOWEVER, THEY ALSO REQUIRE THAT AN INVESTIGATION BE CONDUCTED TO EVALUATE THE CAUSE OF ANY POSITIVE CHECK SAMPLES. BECAUSE THE MDPH REQUIRES THIS INVESTIGATION AND BECAUSE THEIR BACTERIOLOGICAL MAXIMUM CONTAMINANT LEVEL IS MORE STRINGENT THAN THE ONE IN THE NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS, THE CHECK SAMPLING REGULATIONS ARE CONSIDERED AS STRINGENT AS THE FEDERAL REGULATIONS.

THE DEPARTMENT OF PUBLIC HEALTH HAS COMPILED AND IS MAINTAINING AN INVENTORY OF COMMUNITY WATER SYSTEMS. THE DEPARTMENT PERSONNEL ALSO HAVE BEGUN THE INVENTORY OF NONCOMMUNITY WATER SYSTEMS IN THE STATE. THE DEPARTMENT PERSONNEL CONDUCT PERIODIC SANITARY SURVEYS OF INVENTORIED PUBLIC WATER SYSTEMS.

CERTIFICATION OF BACTERIOLOGICAL LABORATORIES IS PROVIDED BY THE DEPARTMENT OF PUBLIC HEALTH. THIS LABORATORY CERTIFICATION PROGRAM HAS BEEN APPROVED BY EPA AND DR. WILLIAMS HAS BEEN CERTIFIED AS THE STATE WATER LABORATORY SURVEY OFFICER. THE STATE LABORATORY HAS THE CAPABILITY OF PERFORMING THE REQUIRED BACTERIOLOGICAL, CHEMICAL, AND RADIOLOGICAL ANALYSES. THEREFORE, WITH THE AVAILABILITY OF THE OTHER BACTERIOLOGICAL LABORATORIES, THE STATE HAS THE CAPABILITY OF ANALYZING ALL OF THE NECESSARY SAMPLES.

WATER SUPPLY CONSTRUCTION AND ALTERATION PLANS AND SPECIFICATIONS ARE REVIEWED BY THE DEPARTMENT.

THE MICHIGAN SAFE DRINKING WATER ACT IS APPLICABLE TO ALL PUBLIC WATER SYSTEMS THAT ARE SPECIFIED IN THE NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS. THE DEPARTMENT HAS AUTHORITY TO SUE AND TO ENJOIN VIOLATIONS.

THE DEPARTMENT OF PUBLIC HEALTH HAS THE RIGHT TO ENTER AND MAKE INSPECTIONS AND IT HAS THE AUTHORITY TO COLLECT SAMPLES DURING SANITARY SURVEYS. THE DEPARTMENT REGULATIONS CONCERNING SUPPLIER RECORDS AND REPORTS TO THE STATE ARE AS STRINGENT AS NECESSARY. THE PUBLIC NOTICE REQUIREMENTS ARE ALSO AS STRINGENT AS REQUIRED.

THE DEPARTMENT OF PUBLIC HEALTH HAS AUTHORITY TO ASSESS PENALTIES. THE DEPARTMENT HAS STATED THAT IT WILL KEEP REQUIRED RECORDS AND PROVIDE REPORTS TO EPA. VARIANCES AND EXEMPTIONS THAT ARE ALLOWED BY THE DEPARTMENT WILL BE ISSUED UNDER REGULATIONS AS STRINGENT AS THOSE REQUIRED BY EPA. THE TIME LIMIT FOR THE EXEMPTION SCHEDULES WILL BE ADMINISTRATIVELY LIMITED TO THE JANUARY 1, 1981, DATE THAT IS SPECIFIED BY THE FEDERAL REGULATIONS. THE U. S. EPA WILL MONITOR THE EXEMPTIONS THAT ARE GRANTED TO ENSURE THAT THIS DATE IS MET. THE DEPARTMENT HAS A PLAN FOR THE PROVISION OF WATER IN AN EMERGENCY.

BECAUSE THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH WILL HAVE THESE CAPABILITIES, EPA-REGION V HAS DETERMINED THAT THE MDPH WILL MEET ALL OF THE REQUIREMENTS FOR PRIMARY ENFORCEMENT RESPONSIBILITY FOR PUBLIC WATER SYSTEM SUPERVISION UNDER THE SAFE DRINKING WATER ACT, IF THEIR RULES ARE ENACTED IN A FORM SUBSTANTIALLY THE SAME AS THE PRESENT DRAFT.

August 31, 1977

William A. Kelley, Chief
Division of Water Supply
Michigan Department of Public Health
3500 North Logan Street
Lansing, Michigan 48914

Dear Mr. Kelley:

I am providing you with a written copy of the suggested change to your exemption rule that I mentioned to Wayne Verspoor on August 30, 1977. I believe that these changes will resolve the area of concern that EPA legal counselors have found.

The suggested revised rule is:

Part 5, Page 8, first paragraph

Rule _____. An exemption granted by the director to a supplier of water shall have a fixed term not to exceed 5 years. A supplier of water who wishes to extend an exemption beyond the date specified in the administrative order shall submit a request for reissuance of an exemption pursuant to rule _____. Exemptions shall not be issued or reissued in any manner inconsistent with the Federal Act.

If you have any questions about this, please call me.

Sincerely yours,

Joseph F. Harrison, Chief
Water Supply Branch

5WD:Hanley:nmr:8/31/77

NJM
JEP- W 503 9/1/77

ENVIRONMENTAL PROTECTION AGENCY

JUL 27 1977

Dr. Maurice S. Reizen
 Director of Public Health
 Michigan Department of Public Health
 3500 North Logan Street
 Lansing, Michigan 48914

Dear Dr. Reizen:

I wish to acknowledge receipt of your letter of July 7, 1977, requesting a determination that the Michigan Department of Public Health has met all of the requirements for primary enforcement responsibility for public water system supervision in the State of Michigan, pursuant to Section 142.10 of the Safe Drinking Water Act. Enclosed with your letter were the following documents:

1. Assistant Attorney General's opinion, evaluating Michigan's statutory authority.
2. Discussion of Michigan's status with regard to compliance with the 15 requirements for primacy.
3. Act No. 399 of the Public Acts of 1976.
4. Draft administrative rules of the Michigan Department of Public Health.
5. Act No. 294 of the Public Acts of 1965 and administrative rules promulgated under this authority.
6. Act No. 390 of the Public Acts of 1976.

We are now reviewing your submittal and may suggest some minor changes to the proposed rules. However, based upon a preliminary review of this information and contingent upon final enactment of the General Rules in a form similar to the one that accompanied the application, this material appears satisfactory.

The outstanding cooperation and interest which we have received from your Department are greatly appreciated.

Sincerely yours,

Valdes V. Adamkus
 Deputy Regional Administrator

		CONCURRENCES	
SYMBOL	cc: Victor Kimm	WJB	mg
SURNAME	John E. Vogt	REB	IFH
DATE	William A. Kelley	7/27/77	7/27
SND: Marley: mmr: 7/27/77		SW	Surpin
		7/20/77	

August 17, 1977

William A. Kelley, Chief
Division of Water Supply
Michigan Department of Public Health
3500 North Logan Street
Lansing, Michigan 48914

Dear Bill:

I would appreciate receiving more information about three parts of your draft rules. The three areas of concern are:

1. (Part 5, page 8)--a schedule for an exemption may last up to five years-- In 40 CFR 142.55, compliance with the interim regulations must be required by January 1, 1981. Could you specify, in a letter, that, for the interim regulations, no schedules would be approved that extend past January 1, 1981.
2. (Part 8, page 3)--approval of alternate testing procedures-- The NIPDWR require that the EPA Administrator approve alternate testing procedures. Therefore, can you also state that before you provide approval by a private laboratory, you will receive approval from EPA?
3. (Part 6)--public notification-- The public notification requirements of 40 CFR 142.16(d) require that notices "be conspicuous and . . . not use unduly technical language, unduly small print or other methods which would frustrate the purpose of the notice." This requirement is not included in the latest draft of your rules. This may need to be added to the rules or you should specify that this will be administratively controlled by you.

We hope to be able to publish the Federal Register notice without this information. We would like to be able to review it before the public hearing, however, so that our statement at the hearing will be more complete.

Enclosed are copies of all of the comments that we have received from all of the Region V divisions and from Washington. I have also included a copy of the Federal Register notice and the Region V summary.

If you have any questions about any of this, please call me. At the present time it appears that we will be able to complete our review in November and notify you of our determination when your rules are enacted.

Sincerely yours,

Joseph F. Harrison, Chief
Water Supply Branch

Enclosures

5WD:Manley:mmr:8/17/77

NM

WSB
PK
8/17/77



WILLIAM G. MILLIKEN, Governor

MAURICE S. REIZEN, M.D., Director

STATE OF MICHIGAN

DEPARTMENT OF PUBLIC HEALTH

3500 N. LOGAN, P.O. BOX 30035, LANSING, MICHIGAN 48909

*Nancy - Pls prepare
my statement for
Lansing hearing*
[Signature]

August 17, 1977

Mr. Joseph F. Harrison, Chief
Water Supply Branch
U. S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

Dear Joe:

As you are aware, the Michigan Department of Public Health has developed proposed rules for implementation of the State "Safe Drinking Water Act" (Act 399, P.A. 1976), and we have scheduled public hearings on the rules for September 13 in Marquette, September 14 in Gaylord and September 15 in Lansing. A copy of the notice of public hearings and the packet of proposed rules was mailed to you earlier this week.

You may recall that in an earlier conversation with you, I suggested that EPA submit a statement at at least one of these public hearings which would reflect your position on the rules and which could be made a part of the hearing record. Since these rules are being promulgated mainly for the purpose of bringing Michigan's public water supply supervision program in concert with Federal regulations, I believe it important that EPA enter its position statement into the record.

Therefore, I would appreciate it if you, Harry or another appropriate EPA representative appear at one of the hearings to submit such a statement. Perhaps the hearing in Lansing would be most convenient for you.

If you have need for additional copies of the rules, please let me know. Thank you for your cooperation.

Very truly yours,

William A. Kelley

William A. Kelley, P.E., Chief
Division of Water Supply
Bureau of Environmental and
Occupational Health

WHV:ld

cc: John E. Vogt
Wayne H. Verspoor



"Equal Health Opportunity for All"

19 AUG 1977

MR. CHAIRMAN, LADIES AND GENTLEMEN, MY NAME IS JOSEPH F. HARRISON. I AM CHIEF OF THE REGION V WATER SUPPLY BRANCH FOR U. S. EPA, AND I AM MAKING THIS STATEMENT IN BEHALF OF THE U. S. ENVIRONMENTAL PROTECTION AGENCY.

THE PURPOSE OF THE SAFE DRINKING WATER ACT, SIGNED INTO LAW ON DECEMBER 16, 1974, IS TO ENSURE THAT WATER SUPPLY SYSTEMS SERVING THE PUBLIC MEET MINIMUM NATIONAL STANDARDS FOR PROTECTION OF THE PUBLIC HEALTH. THIS ACT AUTHORIZES THE U. S. ENVIRONMENTAL PROTECTION AGENCY TO ESTABLISH STANDARDS FOR PROTECTION FROM ALL HARMFUL CONTAMINANTS IN DRINKING WATER, AND IT INVITES STATES TO ASSUME THE PRIMARY ROLE OF PUBLIC WATER SYSTEM SUPERVISION AND OF ENSURING COMPLIANCE WITH THESE STANDARDS. THE U. S. EPA ISSUED NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS ON DECEMBER 24, 1975, AND JULY 9, 1976. THE SUBJECT OF THE HEARING TODAY CONCERNS THE ADOPTION OF RULES THAT ARE NECESSARY FOR THE STATE OF MICHIGAN TO ASSUME THE PRIMARY ROLE OF PUBLIC WATER SYSTEM SUPERVISION UNDER THE SAFE DRINKING WATER ACT IN MICHIGAN.

THE REGIONAL ADMINISTRATOR OF REGION V OF THE U. S. EPA HAS MADE A PRELIMINARY DETERMINATION, BASED ON THESE DRAFT RULES, THAT THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH WILL MEET ALL OF THE REQUIREMENTS FOR PRIMARY ENFORCEMENT RESPONSIBILITY. THERE WERE SEVERAL AREAS OF CONCERN WHICH WE ASKED THE DEPARTMENT OF PUBLIC HEALTH TO CLARIFY.

THREE CHANGES IN THE DRAFT RULES HAVE BEEN SUGGESTED. ONE CHANGE ADDS A STATEMENT TO THE SECTION ABOUT ALTERNATIVE ANALYTICAL PROCEDURES IN ORDER TO SAY THAT THE DEPARTMENT WILL RECEIVE U. S. EPA APPROVAL FOR ANY ALTERNATIVE TESTING PROCEDURE BEFORE ALLOWING ITS USE IN MICHIGAN.

ANOTHER RULE CHANGE ADDS THE STATEMENT THAT PUBLIC NOTICES MAY NOT BE UNDULY TECHNICAL OR USE UNDULY SMALL PRINT AND THAT THEY MUST BE CONSPICUOUS.

THE THIRD CHANGE ADDS THE STATEMENT: "EXEMPTIONS SHALL NOT BE ISSUED OR REISSUED IN ANY MANNER INCONSISTENT WITH THE FEDERAL ACT" TO THE EXEMPTION RULES. THIS STATEMENT CLARIFIES, IN THE RULES, THAT EXEMPTION SCHEDULES ARE NOT ALLOWED TO EXTEND BEYOND THE DEADLINES IMPOSED BY THE SAFE DRINKING WATER ACT. WE ALSO SUGGEST THAT THE DEPARTMENT REQUIRE SUPPLIERS OF WATER WHO REQUEST A VARIANCE OR AN EXEMPTION TO DEMONSTRATE THAT THE GRANTING OF THE VARIANCE OR THE EXEMPTION WILL NOT RESULT IN AN UNREASONABLE RISK TO THE HEALTH OF PEOPLE USING THE PUBLIC WATER SUPPLY. THIS CHANGE WILL REQUIRE THE SUPPLIER OF WATER TO PROVIDE EVIDENCE INSTEAD OF REQUIRING THE DEPARTMENT TO HAVE THE BURDEN OF PROOF THAT THE GRANTING OF THE VARIANCE OR THE EXEMPTION IS UNREASONABLE.

THE DEPARTMENT'S REGULATIONS CONCERNING BACTERIOLOGICAL CHECK SAMPLES ARE CONSIDERED EQUIVALENT, ALTHOUGH THEY ARE NOT EXACTLY THE SAME AS THOSE IN THE NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS. ONLY ONE CHECK SAMPLE, AFTER THE BACTERIOLOGICAL MAXIMUM CONTAMINANT LEVEL (MCL) IS EXCEEDED, IS REQUIRED. THE STATE DOES REQUIRE THAT AN INVESTIGATION BE CONDUCTED IF THE CHECK SAMPLE SHOWS THE PRESENCE OF COLIFORM ORGANISMS. THIS INVESTIGATION INCLUDES THE ANALYSIS OF A CHECK SAMPLE FROM THE SAME SAMPLING POINT AND FROM OTHER SAMPLING POINTS, IN ORDER TO DEFINE THE EXTENT OF THE PROBLEM. THEREFORE, THIS RULE IS CONSIDERED AS STRINGENT AS THE U. S. EPA REGULATIONS.

PART 22 OF THE DRAFT RULES HAS BEEN RESERVED FOR LABORATORY CERTIFICATION RULES. THE DEPARTMENT HAS STATED THAT WHEN U. S. EPA LABORATORY CERTIFICATION GUIDANCE BECOMES AVAILABLE FURTHER EFFORTS WILL BE MADE TO DEVELOP A COMPREHENSIVE STATE LABORATORY CERTIFICATION PROGRAM. AT THAT TIME THE U. S. EPA WILL REVIEW THESE RULES TO DETERMINE WHETHER THEY COMPLY WITH THE U. S. EPA REQUIREMENTS.

THE PUBLIC NOTIFICATION REQUIREMENTS HAVE BEEN DRAFTED TO EDUCATE THE CONSUMER AND THE GENERAL PUBLIC ABOUT THE EXTENT TO WHICH THE PUBLIC WATER SYSTEM IS COMPLYING WITH THE STATE RULES AND THE SAFE DRINKING WATER ACT. THESE RULES COMPLY WITH THE REQUIREMENTS, AND THE INTENT, OF THE U. S. EPA REGULATIONS TO FULLY INFORM THE PUBLIC IN ORDER TO DEVELOP A PUBLIC AWARENESS OF THE PROBLEMS FACING PUBLIC WATER SYSTEMS, TO ENCOURAGE A WILLINGNESS TO SUPPORT GREATER EXPENDITURES AT ALL LEVELS OF GOVERNMENT TO ASSIST IN SOLVING THESE PROBLEMS, AND TO ADVISE THE PUBLIC OF POTENTIAL OR ACTUAL HEALTH HAZARDS. THE STATE ALSO REQUIRES IMMEDIATE NOTIFICATION WHEN AN IMMINENT HAZARD TO THE PUBLIC EXISTS.

ALL DRAFT RULES, THAT PERTAIN TO STATE REQUIREMENTS FOR PRIMARY ENFORCEMENT RESPONSIBILITY UNDER THE SAFE DRINKING WATER ACT, HAVE BEEN REVIEWED BY THE U. S. EPA AND, WITH THESE RECOMMENDED CHANGES, HAVE BEEN DETERMINED TO BE AS STRINGENT AS REQUIRED FOR PRIMACY.

THANK YOU.